

**REGULATION OF BARBER SCHOOLS, PRIVATE BEAUTY
CULTURE SCHOOLS, AND OTHER FACILITIES USED TO
TEACH OR PERFORM THE PRACTICE OF BARBERING OR
COSMETOLOGY**

CHAPTER 496

H.B. No. 2739

AN ACT

relating to the regulation of barber schools, private beauty culture schools, and other facilities used to teach or perform the practice of barbering or cosmetology.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 1601.353, Occupations Code, is amended to read as follows:

Sec. 1601.353. **REQUIRED FACILITIES AND EQUIPMENT.** (a) The department may approve an application for a permit for a barber school *that offers instruction to persons seeking a certificate under Section 1601.253* if the school:

(1) is located in:

(A) a municipality with a population of more than 50,000 that has a building of permanent construction containing at least 2,000 square feet of floor space, including classroom and practical areas, covered in a hard-surface floor-covering of tile or other suitable material; or

(B) a municipality with a population of 50,000 or less or an unincorporated area of a county that has a building of permanent construction containing at least 1,000 square feet of floor space, including classroom and practical areas, covered in a hard-surface floor-covering of tile or other suitable material;

(2) has the following equipment:

(A) at least 10 student workstations that include a chair that reclines, a back bar, and a wall mirror;

(B) a sink behind every two workstations;

(C) adequate lighting for each room;

(D) at least 10 classroom chairs and other materials necessary to teach the required subjects; and

(E) access to permanent restrooms and adequate drinking fountain facilities; and

(3) meets any other requirement set by the commission.

(b) *The department may approve an application for a permit for a barber school that offers instruction to persons seeking a certificate, license, or permit under this chapter, other than a certificate under Section 1601.253, if the school:*

(1) *has adequate space, equipment, and instructional material, as determined by the commission, to provide quality classroom training; and*

(2) *meets any other requirement set by the commission.*

(c) *A barber school that satisfies the requirements of Subsection (a) may offer instruction in barbering to persons seeking any certificate, license, or permit under this chapter.*

(d) *Instruction received at a barber school subject to Subsection (b) may not be used to satisfy the requirements to obtain a Class A barber certificate under Section 1601.253.*

SECTION 2. Section 1602.303, Occupations Code, is amended to read as follows:

Sec. 1602.303. **PRIVATE BEAUTY CULTURE SCHOOL LICENSE.** (a) ~~[A person holding a private beauty culture school license may maintain an establishment in which any practice of cosmetology is taught, including providing an eyelash extension application training program described by Section 1602.2572.~~

~~(b)~~ An application for a private beauty culture school license *to instruct persons seeking a license under Section 1602.254* must be accompanied by the required license fee and inspection fee and:

- (1) be on a form prescribed by the department;
- (2) be verified by the applicant; and
- (3) contain a statement that the building:
 - (A) is of permanent construction and is divided into at least two separate areas:
 - (i) one area for instruction in theory; and
 - (ii) one area for clinic work;
 - (B) contains a minimum of:
 - (i) 2,800 square feet of floor space if the building is located in a county with a population of more than 100,000; or
 - (ii) 1,800 square feet of floor space if the building is located in a county with a population of 100,000 or less;
 - (C) has access to permanent restrooms and adequate drinking fountain facilities; and
 - (D) contains, or will contain before classes begin, the equipment established by commission rule as sufficient to properly instruct a minimum of 10 students.

(b) An application for a private beauty culture school license to instruct persons seeking a license or certificate under this chapter, other than a license under Section 1602.254, must be accompanied by the required license fee and inspection fee and:

- (1) be on a form prescribed by the department;*
- (2) be verified by the applicant;*
- (3) contain a statement that the building:*
 - (A) is of permanent construction and is divided into at least two separate areas:*
 - (i) one area for instruction in theory; and*
 - (ii) one area for clinic work;*
 - (B) has adequate space, equipment, and instructional material, as determined by the commission, to provide quality classroom training; and*
 - (C) has access to permanent restrooms and adequate drinking fountain facilities; and*
 - (4) meet any other requirement set by the commission.*

(c) The applicant is entitled to a private beauty culture school license if:

- (1) the department determines that the applicant is financially sound and capable of fulfilling the school's commitments for training;
- (2) the applicant's facilities pass an inspection conducted by the department under Section 1603.103; ~~and~~
- (3) the applicant has not committed an act that constitutes a ground for denial of a license; and
- (4) the applicant meets any other requirement set by the commission.

(d) A private beauty culture school that satisfies the requirements of Subsection (a) may offer instruction in cosmetology to persons seeking any license or certificate under this chapter.

(e) Instruction received at a private beauty culture school subject to Subsection (b) may not be used to satisfy the requirements to obtain an operator license under Section 1602.254.

SECTION 3. The heading to Section 1603.104, Occupations Code, is amended to read as follows:

Sec. 1603.104. PERIODIC ~~[AND RISK-BASED]~~ INSPECTIONS.

SECTION 4. Sections 1603.104(c) and (e), Occupations Code, are repealed.

SECTION 5. As soon as practicable after the effective date of this Act, the Texas Commission of Licensing and Regulation shall adopt rules to implement Sections 1601.353 and 1602.303, Occupations Code, as amended by this Act.

SECTION 6. This Act takes effect September 1, 2017.

Passed by the House on May 4, 2017: Yeas 142, Nays 1, 2 present, not voting; passed by the Senate on May 24, 2017: Yeas 31, Nays 0.

Approved June 9, 2017.

Effective September 1, 2017.

PHYSICAL THERAPY LICENSURE COMPACT; AUTHORIZING FEES

CHAPTER 497

H.B. No. 2765

AN ACT

relating to the Physical Therapy Licensure Compact; authorizing fees.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 453, Occupations Code, is amended by adding Subchapter K to read as follows:

SUBCHAPTER K. PHYSICAL THERAPY LICENSURE COMPACT

Sec. 453.501. PHYSICAL THERAPY LICENSURE COMPACT. The Physical Therapy Licensure Compact is enacted and entered into with all other jurisdictions that legally join in the compact, which reads as follows:

SECTION 1. PURPOSE

The purpose of this Compact is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services. The practice of physical therapy occurs in the state where the patient/client is located at the time of the patient/client encounter. The Compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

This Compact is designed to achieve the following objectives:

- 1. Increase public access to physical therapy services by providing for the mutual recognition of other member state licenses;*
- 2. Enhance the states' ability to protect the public's health and safety;*
- 3. Encourage the cooperation of member states in regulating multi-state physical therapy practice;*
- 4. Support spouses of relocating military members;*
- 5. Enhance the exchange of licensure, investigative, and disciplinary information between member states; and*
- 6. Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards.*

SECTION 2. DEFINITIONS

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

- 1. "Active Duty Military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Section 1209 and 1211.*
- 2. "Adverse Action" means disciplinary action taken by a physical therapy licensing board based upon misconduct, unacceptable performance, or a combination of both.*